

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

LEDA HEALTH CORPORATION <i>and</i>	:	
MADISON CAMPBELL	:	
Plaintiffs	:	
	:	No. 2:24-CV-00879
v.	:	
	:	Judge Bissoon
MICHELLE HENRY <i>and</i> LETITIA	:	
JAMES,	:	Electronically Filed Document
Defendants	:	

**DEFENDANT ATTORNEY GENERAL MICHELLE
HENRY’S MOTION TO DISMISS**

AND NOW comes Defendant Michelle Henry, in her official capacity as Pennsylvania Attorney General, by counsel Jorden P. Colalella, Deputy Attorney General, Amelia J. Goodrich, Deputy Attorney General, and Nicole R. DiTomo, Chief Deputy Attorney General, Litigation Section, and, pursuant to Federal Rules of Civil Procedure 12(b)(1) and 12(b)(6), move to dismiss all claims in the Plaintiff’s Complaint [ECF 1] on the following grounds:

1. Leda Health Corporation and Madison Campbell (collectively, “Plaintiffs”) initiated this counseled civil rights action by filing a Complaint in the United States District Court for the Western District of Pennsylvania on June 17, 2024. See Complaint [ECF 1].
2. In the Complaint, Plaintiffs allege violations of their First Amendment right to protected speech. Id. at 18–20. These allegations were made in response to the issuance of a cease-and-desist letter to Plaintiffs, where the Pennsylvania Office of Attorney General (“OAG”), through the Health Care Section (“HCS”), threatened legal action for Plaintiffs’ failure to comply with Pennsylvania’s consumer protection laws.
3. This civil rights action is brought pursuant to 42 U.S.C. § 1983.

4. Defendant Michelle Henry now moves to dismiss all claims in the Complaint [ECF 2] on the following grounds:

- a. Principles of equity and comity necessitate the Court's abstention under Younger v. Harris, 401 U.S. 37 (1971).
- b. Plaintiff's First Amendment Coercion and Retaliation claims fail because their speech is misleading or potentially misleading, placing them outside the scope of the First Amendment, or, in the alternative, may be constitutionally regulated as commercial speech.

5. Defendant Michelle Henry has herewith filed a Brief in Support of this Motion, providing reasons in support of the foregoing assertion with greater particularity, the contents therein are incorporated by reference.

WHEREFORE, the Defendant Michelle Henry requests that the instant motion be granted and that all claims described herein be dismissed.

Respectfully submitted,

MICHELLE A. HENRY
Attorney General

By: s/ Jorden P. Colalella
JORDEN P. COLALELLA
Deputy Attorney General
Attorney ID 316706

Office of Attorney General
1251 Waterfront Place
Mezzanine Level
Pittsburgh, PA 15222
Phone: (412) 565-5155
[**jcolalella@attorneygeneral.gov**](mailto:jcolalella@attorneygeneral.gov)

NICOLE R. DITOMO
Chief Deputy Attorney General
Civil Litigation Section

Date: August 16, 2024

Counsel for Defendant Michelle Henry

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

LEDA HEALTH CORPORATION and	:	
MADISON CAMPBELL	:	
Plaintiffs	:	
	:	No. 2:24-CV-00879
v.	:	
	:	Judge Bissoon
MICHELLE HENRY and LETITIA	:	
JAMES,	:	Electronically Filed Document
Defendants	:	

MEET AND CONFER CERTIFICATE OF COMPLIANCE

I, Jorden P. Colalella, Deputy Attorney General for the Commonwealth of Pennsylvania, Office of Attorney General, pursuant to the Practices and Procedures of United States District Judge Cathy Bissoon, certify that on August 9, 2024, I met and conferred with counsel for Plaintiffs and counsel for the New York Office of Attorney General via videoconference. The issues raised in the Commonwealth Defendant's Motion to Dismiss were discussed with Plaintiffs. Based on these conversations, it is not believed that the deficiencies cited in Defendant's Motion can be cured by amendment, and the filing of this motion is necessary.

Respectfully submitted,

MICHELLE A. HENRY
Attorney General

By: s/ Jorden P. Colalella

JORDEN P. COLALELLA
Deputy Attorney General
Attorney ID 316706

Office of Attorney General
1251 Waterfront Place
Mezzanine Level
Pittsburgh, PA 15222
Phone: (412) 565-5155
[**jcolalella@attorneygeneral.gov**](mailto:jcolalella@attorneygeneral.gov)

NICOLE R. DITOMO
Chief Deputy Attorney General
Civil Litigation Section

Date: August 16, 2024

Counsel for Defendant Michelle Henry

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

LEDA HEALTH CORPORATION <i>and</i>	:	
MADISON CAMPBELL	:	
Plaintiffs	:	
	:	No. 2:24-CV-00879
v.	:	
	:	Judge Bissoon
MICHELLE HENRY <i>and</i> LETITIA	:	
JAMES,	:	Electronically Filed Document
Defendants	:	

CERTIFICATE OF SERVICE

I, Jorden P. Colalella, Deputy Attorney General for the Commonwealth of Pennsylvania, Office of Attorney General, hereby certify that on **August 16, 2024**, I caused to be served a true and correct copy of the foregoing document titled **Defendant Attorney General Michelle Henry's Motion to Dismiss** to the following:

VIA ECF

Joseph A. Little, IV, Esquire
John R. Glover, Esquire
Zachary C. Lawson, Esquire
Litson PLLC
6339 Charlotte Pike, Suite, C321
Nashville, TN 37209
alex@litson.co
jr@litson.com
zack@litson.co
Counsel for Plaintiffs

ADD
Counsel for Defendant James

s/ Jorden P. Colalella
JORDEN P. COLALELLA
Deputy Attorney General